
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESUS FAJARDO-ZAMORA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER DENYING [30] MOTION FOR
EARLY RELEASE**

Case No. 2:16-cr-00029-DN

District Judge David Nuffer

Petitioner Jesus Fajardo-Zamora seeks early release under [18 U.S.C. § 3624](#).¹ The United States responds in opposition.² Fajardo-Zamora did not file a reply.

Because the court does not have authority under [18 U.S.C. § 3624](#) to grant an early release, the Motion is DENIED.

DISCUSSION

Fajardo-Zamora argues that the court “has the discretion, pursuant to the federal prison bureau non-violent offenders relief act of 2013, to consider trhe [sic] factors set forth in [18 usc section 3624](#) issued petitioner an immediately early release accordingly.”³

The United States correctly points out that the Federal Prison Bureau Nonviolent Offender Relief Act of 2013 has never been enacted into law.⁴ And [18 U.S.C. 3624](#) outlines the terms of custody and release guidelines for the Director of the Bureau of Prisons. It does not give the court authority to grant early release.

¹ Motion for Early Release Pursuant to [Title 18 USC 3624](#) (Motion), [docket no. 30](#), filed August 5, 2016.

² United States’ Response to Petitioner’s Motion for Early Release, [docket no. 34](#), filed February 13, 2017.

³ Motion at 5.

⁴ See H.R.62 – Federal Prison Bureau Nonviolent Offender Relief Act of 2013, *available at* <https://www.congress.gov/bill/113th-congress/house-bill/62/actions>.

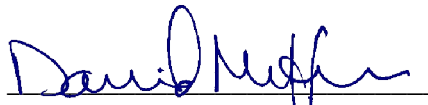
Therefore, Fajardo-Zamora's motion fails because he has not shown that he is eligible or merits relief under [18 U.S.C. § 3624](#) and the Federal Prison Bureau Nonviolent Offender Relief Act of 2013 is not the law.⁵

ORDER

IT IS HEREBY ORDERED that the Motion for Early Release Pursuant to [Title 18 U.S.C. 3624](#)⁶ is DENIED.

Signed April 20, 2017.

BY THE COURT



District Judge David Nuffer

⁵ Though, even if it were the law, it still would not endow the court with the authority to release Fajardo-Zamora. It is directed toward the Bureau of Prisons.

⁶ [Docket no. 30](#), filed August 5, 2016.